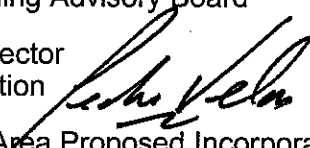


Memorandum

MIAMI-DADE
COUNTY

Date: August 8, 2005

To: Honorable Chairperson
and Members of the Planning Advisory Board

From: Pedro Velar, Assistant Director
Incorporation and Annexation 

Subject: Revised Northeast Dade Area Proposed Incorporation Report

BACKGROUND

The Northeast Dade Area Municipal Advisory Committee (MAC), a group of Northeast Dade-area residents appointed by the Board of County Commissioners (BCC), was created under the sponsorship of Commissioner Heyman as per resolution # 341-03 passed on April 8, 2003 and ordinance # 04-104 passed on May 11, 2004 to review the concerns raised by both members of the County Commission and County staff and the manner in which those concerns may be alleviated in the event that Northeast Dade is incorporated as a municipality. The group met for nineteen (19) months with the support of County staff, to complete its charge assessing the fiscal feasibility and desirability of incorporating the area into its own municipality.

The Northeast Dade area is required by County Code to remain in the Miami-Dade Fire-Rescue (MDFR) District, the Miami-Dade Public Library System, the County's solid waste collection system and continue to receive and pay for specialized law enforcement services from the Miami-Dade Police Department (MDPD) in perpetuity and to contract with the County for local patrol police services for a minimum of three years. The Conceptual Agreement between the County and the Northeast Dade MAC addresses these issues and establishes the terms under which the area may proceed with incorporation.

INCORPORATION REPORT

The County Code, Section 20-23(b) and Section 20-30(b) contain a set of guidelines that the Boundaries Commission, the Planning Advisory Board (PAB), and the County Commission are to consider in developing their recommendations and actions on an incorporation proposal. These guidelines were developed with the intent of assuring both that the proposed new city is fiscally viable and that the potential negative impact of the creation of the new city on the remaining Unincorporated Municipal Service Area (UMSA) is minimized.

This report provides the information required by the Miami-Dade County Code.

SUMMARY OF PETITION

The petitioners have stated that they wish to form a new municipality for the following reasons:

- to increase and improve the level of public safety;
- to improve local parks and recreation services;
- to improve public area maintenance;
- to improve other basic public services;
- to improve the process of development regulation; and
- to provide for enhanced public participation in local government.

PROFILE OF THE AREA

The estimated 2000 population of the area is 16,663 persons. Table 1 reports selected demographic and economic characteristics of the area. Overall, compared to the County as a whole, the median household income and the per-capita income of the Northeast MAC area are higher. The majority of the population in the Northeast MAC area is white, non-Hispanic with very few blacks, non-Hispanic residents.

Table 1
Social and Economic Characteristics
The Northeast MAC Area and Miami-Dade County

	Northeast MAC	Miami-Dade
<u>Population Characteristics, 2000</u>	16,736	2,253,362
Percent White, Not Hispanic	59.5%	20.7
Percent Black, Not Hispanic	6.4%	19.0
Percent Other, Not Hispanic	3.5%	3.0
Percent Hispanic Origin	30.6%	57.3
<u>Income</u>		
Median Household Income	\$40,332	\$35,966
Per-capita Income	\$25,632	\$18,497
<u>Housing</u>		
Percent Owner Occupied	34.9	57.8
Percent Single Unit detached	85.0	42.7

Source: U.S. Census Bureau, Census 2000 Summary File 1 and Summary File 3. Miami-Dade County, Department of Planning and Zoning, 2005.

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Table 2, provides additional demographic information.

Table 2
Northeast MAC
Population By Race and Hispanic Origin
Miami-Dade County, 2000

Tract	Total Persons	White Not Hispanic	Black Not Hispanic	Other Not Hispanic	Hispanic Origin Any Race
1.13 (p)	0	0	0	0	0
1.14 (p)	0	0	0	0	0
2.01 (p)	918	438	107	44	329
2.02 (p)	617	368	49	12	188
2.03 (p)	0	0	0	0	0
97.01 (p)	8,677	5,915	442	322	1,998
97.02 (p)	6,451	3,192	468	211	2,580
Total:	16,663	9,913	1,066	589	5,095
Percent:	100%	59.5%	6.4%	3.5%	30.6%

Source: U.S. Census Bureau, Census 2000 Summary File 1, Miami-Dade County, Department of Planning and Zoning, 2005.

Note: (p) denotes partial Census Tract represented.

Development Profile of the Area

Table 3 below reports the 2003 land use profile of the Northeast MAC area. Residential is the predominant land use within the Northeast MAC area followed by transportation and utilities and inland and coastal waters.

Table 3
Northeast MAC Area
2003 Existing Land Use Table

Land Use	Northeast MAC (Acres)	Northeast MAC (Percent of Total)	Miami-Dade County (Acres)	Miami- Dade County (Percent of Total)
Residential	829.58	40.99	99,385.40	6.4
Commercial and Office	68.46	3.38	13,776.10	0.9
Industrial	23.2	1.15	17,200.20	1.1
Institutional	74.11	3.66	12,950.60	0.8
Parks/Recreation	257.69	12.73	787,907.60	50.9
Transportation/Roadways	383.39	18.94	86,065.50	5.6
Agricultural	0	0.00	80,355.30	5.2
Undeveloped	36.99	1.83	135,421.90	8.7
Inland/Costal Waters	350.57	17.32	315,654.70	20.4
Total:	2023.99	100	1,548,717.30	100

Source: Department of Planning and Zoning, Research Section, Jul. 2004

GUIDELINES ANALYSIS

The following analysis addresses the factors required for consideration by the Boundaries Commission, PAB and BCC pursuant to Chapter 20 of the County Code.

- 1. The suitability of the proposed boundaries to provide for a municipal community that is both cohesive and inclusive. Specifically, the area should:**

a) Not divide a Census Designated Place, to the extent feasible.

Census designated places (CDPs) are areas that are identified locally and recognized by the Census Bureau for the purpose of reporting data. They include all existing cities and certain unincorporated areas that are defined, in cooperation with local agencies, as recognizable and relatively cohesive communities. The Northeast MAC area boundaries wholly contain the Ojus CDP.

b) Include adjacent areas of ethnic minority and lower income residents in which a majority of those residents have so petitioned.

There are no directly adjacent areas of lower income or minority residents where residents have petitioned to be included.

c) Have contiguity and not create any unincorporated enclave area(s). An unincorporated enclave area is defined as an area that would be 1) surrounded on more than (80) percent of its boundary by one (1) or more municipalities and of a size that could not be serviced efficiently or effectively.

As shown in Attachment D, the area is contiguous but does create an enclave. The western boundary of the Northeast MAC area, the eastern boundary of the City of Miami Gardens and the northern boundaries of the City of North Miami Beach create an unincorporated enclave. This enclave is completely inside the UDB and it encompasses an area of approximately 3.5 square miles.

d) Have natural or built barriers as boundaries, to the extent feasible.

Built barriers, namely streets and a canal, bound the Northeast MAC area. The area is bounded by NE 215 Street/County Line Road to the north; Biscayne Boulevard and Old Federal Highway to the east; Interstate 95 to the west; and the Glades Canal, NE 183 Street and NE 174 Street to the south.

2. Is there evidence of support of area residents and property owners sufficient to warrant the costs of balloting of electors?

As required by the resolution establishing the Northeast Dade MAC, two public hearings were held on November 17, 2004 and December 1, 2004 to discuss the proposed incorporation of Northeast Dade. The Northeast Dade MAC members took the citizen attendance and comments at the public hearings and regularly scheduled MAC meetings. The citizen's comments were taken into consideration in making their recommendation.

3. What are the existing and projected property tax costs for municipal-level services to the average homeowner in the area as currently unincorporated and as incorporated as a comparable Miami-Dade County city with a similar per-capita property tax base?

The proposed incorporation area of the Northeast Dade has a per capita taxable value of approximately \$49,378. While the governing body of the proposed Cities in Miami-Dade County with similar per capita taxable values to the proposed incorporation area are found below with their corresponding millage rates for fiscal year 2004-2005:

<u>CITY</u>	<u>PER CAPITA TAXABLE VALUE</u>	<u>MILLAGE RATE</u>
West Miami	\$40,200	8.495
Miami Shores	\$57,100	8.25
Miami Springs	\$57,400	8.1436
UMSA	\$46,700	2.447

The per capita taxable value for the proposed incorporation area at \$49,378 is higher than that for the Unincorporated Municipal Service Area (UMSA), at approximately \$46,700. The millage rate for UMSA is 2.447, substantially lower than the millage rates for comparable municipalities.

4. Are there any suitable alternatives to incorporation, including incorporation to an existing municipality?

The proposed Northeast Dade incorporation area's boundary is in common with that of the City of Aventura to the east, the City of North Miami Beach to the south, and an area of UMSA to the west. The proposed incorporation area could be annexed by either city however the cities have not expressed formal interest in doing so.

The remaining alternative for the area would be to remain part of UMSA.

5. Is the area totally contained in the Urban Development Boundary depicted on the future land use map of the Dade County Comprehensive Development Master Plan?

The entire proposed incorporation area is located inside of the Urban Development Boundary (UDB) of the County's Comprehensive Development Master Plan. The County's Land Use Policy 2B states that "priority in the provision of services and facilities and the allocation of financial resources for services and facilities in Miami-Dade County shall be given first to serve the area within the UDB of the Land Use Plan Map (LUP)."

6. Consistency with the Land Use Plan of the County's Comprehensive Development Master Plan.

Planned Land Uses: The 2005-2015 Land Use Plan Map of the County shows a mixture of residential and non-residential uses including the following: residential (low, low-medium, and medium density); industrial and office; business and office; office/residential; and parks and recreation.

Existing Land Uses: The Existing Land Use Map (2003) of the County shows a mixture of residential and non-residential uses reflective of the planned land uses.

The County's "Low Density Residential" land use designation allows residential uses at a density range of 2.5 to 6.0 dwelling units per gross acre. The "Low-Medium Density Residential" land use designation allows residential uses at a density of up to 13.0 dwelling units per gross acre. The "Medium Density Residential" land use designation allows residential uses at a density of up to 25.0 dwelling units per gross acre.

The County's "Industrial and Office" land use designation allows industries, manufacturing operations, warehouses, mini-warehouses, office buildings, wholesale showrooms, distribution centers, merchandise marts and similar uses.

The County's "Business and Office" land use designation accommodates the full range of sales and service activities. Included are retail, wholesale, personal and professional services, commercial and professional offices, hotels, motels, hospitals, medical buildings, nursing homes, entertainment and cultural facilities, amusement and commercial recreation establishments. Residential uses, and mixing of residential use with commercial, office and hotels are also permitted in Business and Office areas provided that the scale and the intensity, including height and floor area ratio of residential or mixed use development, is not out of character with that of adjacent or adjoining development and zoning.

The County's "Office/Residential" land use designation allows both professional and clerical offices, hotels, motels, and residential uses. The existing RU-5A Zoning and the existing office use is consistent with the County's CDMP. Office development may range from small-scale professional office to large-scale office parks.

The County's "Parks and Recreation" land use designation includes both private and public lands in park or recreation use.

7. Is the proposed municipality compatible with existing planned land uses and zoning of the areas surrounding the proposed municipality?

Yes, the existing and planned land uses and zoning of the Northeast MAC area are compatible with the existing and planned land uses and zoning of the areas that surround it as most of these areas have been planned and developed concurrently.

8. What is the impact of the proposal on the revenue base of the unincorporated area and on the ability of the County to effectively and efficiently provide services to adjacent remaining unincorporated areas?

County staff conducted a financial analysis to determine the impact incorporation of this area will have on the remainder of the UMSA budget. As part of this analysis, staff calculated revenues derived from and expenses incurred in the proposed incorporation area. It is estimated that the incorporation of the Northeast Dade area will result in the loss of approximately \$5.4 million in UMSA revenues and the cost of providing service to the area is \$4.3 million of the UMSA budget for a net loss to the County of approximately \$1.1 million. This means the proposed incorporation of Northeast Dade will have a negative impact on the remaining unincorporated area. Therefore, County staff would recommend a mitigation payment of \$785,078 from the proposed City to the County which represents 1.0 mill from their assessed 2003 tax rolls.

The figures listed below in the *Northeast Dade MAC Estimated Revenues and Expenses Impact to the UMSA Budget* are calculated using ratios based on the fiscal year 2003 – 2004 budget for each support function to the total direct services budget, which includes Police, Public Works and Parks.

The assumptions in preparing the Impact to UMSA do not include; local option gas tax revenue and expenditures, canal maintenance revenues and expenses, proprietary activities such as building, zoning, and solid waste and fire and library districts. The revenues and expenditures are based on budgetary estimates, not actuals.

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	Assumptions Based on FY 03-04 Budget	As of October 2004
2003 Taxable Property Rolls		\$826,397,969
2000 Census Population		16,736
2003-04 UMSA Millage		2.447
Police Calls for Service for 2003		12,956
Cost per Police Call		\$248
Cost per Lane Mile		\$1,123
Number of Lane Miles		61.22
Per Capita Taxable Value		\$49,378
Gross Revenue Loss to UMSA		
Property Tax Revenue	Allocation based on tax roll & millage	\$1,921,000
Franchise Fees	Allocation based on tax roll/population	\$529,000
Sales Tax	Allocation based on \$59 per person	\$832,000
Utility Taxes	Allocation based on tax roll/population	\$1,046,000
Communications Tax	Allocated based on tax roll/population	\$842,000
Alcoholic Beverage License	Allocation based on \$0.21 per person	\$4,000
Occupational License	Allocation based on \$3.17 per person	\$54,000
Fines and Forfeitures	Allocation based on \$6.57 per person	\$88,000
Interest	Allocation based on .53% of all revenues	\$28,000
Miscellaneous Revenues	Allocation based on \$0.80 per person	\$14,000
Gross Revenue to UMSA		\$5,358,000
Cost of Providing UMSA Services		
Police Department	Based on police calls	
	Local Patrol	\$2,349,218
	Specialized & Other	\$864,486
Parks and Recreation Dept	Based on cost of parks	\$245,087
Public Works		
	Lane Road Miles Lane miles times cost per lane mile	\$68,750
Planning, Team Metro and others	Direct cost times 9.3%	\$328,061
QNIP (Debt and pay-as you-go)	Utility Taxes as a % of debt service 13%	\$135,980
Policy Formulation/Internal Support	Direct cost times 7.5%	\$264,566
Cost of Providing UMSA Services		\$4,256,148
Net Budget Loss to UMSA		\$1,101,852

10/31/2004

Assumptions:

1. Does not include gas tax funded projects
2. Does not include canal maintenance revenues or expenses
3. Does not include proprietary activities: Building, Zoning, Solid Waste
4. Does not include Fire and Library Districts
5. Revenues are based on allocations not actuals
6. Police Services are based on calls, not what the cost would be for a full service dept. for the area.

9. CURRENT SERVICE LEVEL INFORMATION

Background:

The Northeast Dade proposed incorporation area encompasses approximately 3.16 square miles. The population estimate, based on 2000 census figures, is 16,736.

Police Services

Calls for Service: The Northeast Dade area is within the Intracoastal District. The figures below represent calls for service for the proposed incorporation area of Northeast Dade versus the Intracoastal District.

<u>Northeast Dade</u>			<u>Intracoastal District</u>		
Calendar Years			Calendar Years		
<u>2002</u>	<u>2003</u>	<u>2004</u>	<u>2002</u>	<u>2003</u>	<u>2004</u>
13,977	12,956	13,423	117,496	101,754	105,878

Based on the aforementioned figures for calendar years 2002, 2003, and 2004, the Northeast Dade area represents 11.9, 12.7, and 12.7 percent, respectively, of the service demands for the Intracoastal District.

Base Staffing: The following represents minimum staffing levels needed to service the area, providing for viable response times, supervisory, officer safety, and relief concerns:

Base Staffing Level

Lieutenants	1
Sergeants	4
Detective Unit Sergeant	1
Officers	24
Detectives	2
<u>Total Sworn</u>	<u>32</u>
Police Crime Analyst (PCA)	1
Police Records Specialist (PRS)	2
Secretary	1
<u>Total Non-Sworn</u>	<u>4</u>
<u>TOTAL STAFF</u>	<u>36</u>

SHIFT CONFIGURATION

City Commander / Lieutenant (1)
Secretary (1)

<u>Days GIU/Admin</u>	<u>Platoon I Midnights</u>	<u>Platoon II Days</u>	<u>Platoon III Afternoon</u>
Sergeant (1) GIU Detective (2)	Sergeant (1) Officer (8)	Sergeant (1) Officer (8) PRS (1)	Sergeant (1) Officer (8) PRS (1)
<u>Relief</u>	<u>CAU</u>		
Sergeant (1)	PCAS (1)		

Final staffing levels will be determined by contract after negotiations with elected officials. However, personnel levels shall not be set below the base staffing levels.

As a result of this Incorporation endeavor, MDPD resources may be drawn from the unincorporated areas of Miami-Dade County (MDC) and a dedicated staff will be reallocated within the proposed boundaries. The total service area within unincorporated MDC will be reduced due to continuous incorporation endeavors. The impact of incorporation is thus far, to be determined.

If the proposed area were to incorporate, the municipality must contract local patrol services for a minimum of three (3) years. The municipality would receive a dedicated local police patrol staff. The police response times may be reduced, depending upon the staffing level, but will not be greater than the departmental goals.

Fire-Rescue Services

Miami-Dade County's incorporation policy denotes that new cities incorporating are required to remain in the MDFR District, resulting in no operational or fiscal impact to the District. Further, the proposed incorporation is not expected to negatively impact response times to the area, which are within acceptable timeframes for MDFR. Table I below depicts response times to the proposed incorporation area for the last five fiscal years.

Table I
Dispatch to First Arrival

Fiscal Year	2000	2001	2002	2003	2004
Number of Calls					
Life Threatening Emergencies	1156	1212	1097	977	989
Non-Life Threatening Emergencies	577	557	601	592	562
Other Fires	32	31	23	44	42
Other Miscellaneous	318	383	525	566	649
Structure Fires	6	18	9	12	10
Travel Time Averages					
Life Threatening Emergencies	5.25	5.39	5.46	6.00	5.55
Non-Life Threatening Emergencies	6.39	6.52	7.00	6.50	6.50
Other Fires	5.41	5.31	5.00	6.20	6.54
Other Miscellaneous	6.26	6.41	6.51	6.17	6.34
Structure Fires	5.25	5.07	3.42	3.39	3.48

MDFR service to the proposed incorporation area would be provided by the following stations/units:

Station	Address	Equipment	Staff
63	Serving from Station 8	ALS Suppression	4
8	2900 Aventura Blvd.	BLS Suppression, Rescue 100' platform	7
33	2600 Point East Drive	Rescue	3
31	17050 NE 19 th Ave.	ALS Engine	4

Community and Economic Development

The proposed incorporation does not include any Community Development Block Grants (CDBG) eligible block groups. It would still be eligible for CDBG funding but would not receive the same priority as Neighborhood Revitalization Strategy Areas or low mod block groups in UMSA.

Consumer Services Department

The proposed incorporation will continue to be served by the same cable television and telecommunication operators as before. The proposed incorporation will not have an impact on our ability to license and enforce our cable TV regulations.

Currently, the proposed incorporation area is receiving cable services from Comcast Cable Communications, Inc. There will be no changes in cable services for the proposed incorporation area. BellSouth Entertainment has a cable television license for all unincorporated areas, but our records indicate that they are not currently serving this area.

Telecommunications Service Providers are required to register with the County only if they have facilities located within the unincorporated areas. The purpose of the registration process is to determine users of the County's Rights-of-Way. Therefore, companies that have facilities within the proposed incorporation area will no longer be required to register with the County. Municipalities requesting incorporations will be responsible for managing its public thoroughfares.

Municipal programming is accomplished through separate agreements between municipalities and the cable operators providing services within their respective municipality. The cable operator's obligation to broadcast municipal meetings is outlined in these agreements. Technically, cable operators have the ability to add municipal programming to the proposed incorporated area if required.

Department of Environmental Resource Management (DERM)

1. Services provided by DERM on the subject areas include, but are not limited to:

I. Review and approval or disapproval of development orders.

This includes the following:

- Building Permits
- Zoning Actions
- Platting Actions (Land Subdivision)
- Building Occupancies (Residential and Nonresidential)
- Municipal Occupational Licenses

The department reviews applications for consistency with the requirements of Chapter 24. The review includes but is not limited to the following:

- Protection of public potable water supply wellfields
- Potable water supply
- Liquid waste disposal
- Stormwater management and disposal
- Tree resources preservation and protection
- Wetland preservation and protection
- Coastal resources preservation and protection
- Air quality requirements
- Flood protection

II. Operating Permits

Section 24-35 of the Code Authorizes DERM to require permits for any facility that could be a source of pollution. This includes a wide variety of nonresidential activities or facilities and some ancillary operations to residential land uses.

III. Pollution Prevention and Educational Programs

The DERM Office of Sustainable Environment and Education is responsible for promoting and coordinating pollution prevention programs, waste minimization programs, urban CO2 reduction, and environmental education in general.

IV. Enforcement Activities

These include regular inspections of permitted facilities as well as of any potential source of pollution, responses to complaints and general enforcement operations.

2. Inasmuch as DERM's regulatory activities are enforceable under County Code in both incorporated and unincorporated area, the Department currently provides the above services to the subject area. Accordingly, annexation of the parcels in question will not affect our Department's ability to provide adequate levels of service.
3. The ability of DERM to provide adequate services to the areas being annexed will not be impaired in any manner by this action nor to the areas adjacent to the parcels being annexed.

Water Treatment Plant Capacity:

The area proposed to be incorporated is presently within both the City of North Miami Beach Water and Sewer District or the Miami-Dade Water and Sewer Department (WASD) water and sewer franchised service areas. Currently, the area is served by WASD's Hialeah-Preston Water Treatment Plant, and the North Miami Beach W. E. Oeffler Water Treatment Plant, which have no restrictions on capacity.

Wastewater Treatment Plant Capacity:

The area proposed to be incorporated is presently within both the City of North Miami Beach Water and Sewer or the Miami-Dade WASD water and sewer franchised service areas. Currently, the area is served by WASD's Interconnected wastewater facilities system, which presently has no restrictions on capacity.

Stormwater Utility (SWU) Program and Fees:

At the time of incorporation, any improved properties in the proposed incorporation area will be paying a stormwater utility (SWU) fee to Miami-Dade County. This fee is used by the County to administer stormwater management programs throughout the County. County and state law mandate that a new city either form its own SWU, join the County's SWU, or create a line item in its general budget for stormwater management programs.

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If the Northeast Dade area decides on exemption from the County's SWU, please note that, until the BCC approves the exemption, all SWU fees collected in the area remain available for general County use. With these funds the County continues to provide the same level of service for stormwater issues in the municipality as we have for unincorporated areas of the County.

If the Northeast Dade area decides on exemption from the County's SWU, three conditions will also be required as part of this exemption: 1) The area must execute a billing agreement with WASD to continue billing in the WASD service area; 2) Northeast Dade must execute a cost-share Agreement with the County for canal maintenance activities; and 3) The area must execute a cost-share Agreement to cost-share any FEMA funded projects constructed or planned for the area. Items Number 2 and 3 are described in more detail below.

Additionally, payment to the County for the Northeast Dade area's debt service on the County's Stormwater Utility bonds, secondary canal maintenance or Federal Emergency Management Agency (FEMA) funded projects do not initiate until exemption is complete. Actual costs for the above can be determined at the time of incorporation, prior to exemption from the Miami-Dade County Stormwater Utility. Estimates of annual revenues from SWU fees in the area and debt repayment for bonds issued in 1999 and 2004 are listed below. Please note these are estimates only, and are not considered final calculated costs.

Stormwater Utility Fees Fy 04/05

Total Equivalent Residential Unit (ERU) = 10,562

At 1,548 sq.ft. /ERU

At \$4.00/ERU/month, Annual SWU fees = \$506,998

Stormwater Utility Bonds 1999 And 2004

1999 SWU Bond

Northeast Dade MAC Debt Service Annual estimated payments = \$40,000
(2005-2024)

2004 SWU Bond

Northeast Dade MAC Debt Service Annual estimated payments = \$60,000
(2005-2024)

Northeast Dade MAC Debt Service Annual estimated payments = \$95,000
(2025-2029)

Canal Maintenance Agreement and Water Control Structures:

A check of the County's Water Control Plan reveals one segment of a secondary canal, and a County-maintained ditch within the Northeast Dade area. Two water control structures also exist within the Northeast Dade area. One is a stormwater pump station. The County will turn over operation and maintenance of this pump station to the Northeast Dade. If the Northeast Dade wishes the County to continue to operate and maintain this structure, an Interlocal Agreement will be needed to facilitate payment to the County for continuing this service.

The second structure is a salinity control structure, which exists at the north end of the Oleta River. Since this is a vital structure for preventing salt intrusion into the inland area of the County, the County retains the right to its ownership, maintenance and control.

For the secondary canal segment and the ditch, a canal maintenance Interlocal Agreement will be needed. This ensures the level of service for the canal and ditch is maintained to County standards. A cost-share approach is used; with the costs determined by the relative areas these systems serve, both for the County and the Northeast Dade area.

A cost-share for FEMA funded drainage projects may also be necessary, if such projects are under construction, have been constructed or are planned for the proposed Northeast Dade area.

Drainage Permitting:

All new development requires that drainage systems be provided as part of the project. The objectives of these systems are to reduce pollution in stormwater runoff, and reduce flooding impacts to residents.

DERM has received delegated authority to issue permits for the South Florida Water Management District, through issuance of the Environmental Resources Permit (ERP). Jurisdiction to require an ERP is countywide, and is dependent upon the size of the development. In addition, DERM has authority under Section 24.48.1 of the Miami-Dade County Code, for the issuance of a number of drainage permits, which include: Class II (for drainage overflows), Class III (works within County canals), Class V (dewatering permits), and Class VI (drainage systems within industrial land use). These requirements and permit authority would continue to exist in the Northeast Dade area.

National Flood Insurance Program (NFIP):

The NFIP is a program where FEMA agrees to subsidize flood insurance policies for residents of a community, if the community agrees to enforce minimum flood protection standards.

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In 1993 FEMA mandated that all incorporated areas in Miami-Dade County regulate their own floodplain management ordinance and conduct separate programs. Therefore, when a city is incorporated, FEMA requires that city to apply to become an NFIP community within six months of incorporation.

A voluntary program associated with the NFIP is called the Community Rating System (CRS). This program rewards communities that improve their flood protection activities with flood insurance discounts for its residents. Residents of the unincorporated area of the County currently enjoy a 25% discount on their flood insurance policies if they live in a flood zone, and a 10% discount if they are outside the flood zone.

Once the Northeast Dade area incorporates and wishes to participate in the CRS, the new city would start as an entry level participant in the Program. Residents would lose the above-mentioned discounts until the area could document that they are performing the activities needed to improve its rating to the level previously enjoyed by its residents, when they lived in the unincorporated areas of the County.

Stormwater Management Master Plan:

Miami-Dade County is undertaking a comprehensive effort to map the entire unincorporated area of the County to assess its drainage needs. The County is divided into drainage basins, which are then modeled to determine what drainage is needed for each area now and in the future. By planning for future drainage needs, the County can ensure that the level of flood protection service provided to residents is maintained, and the pollution inherent in stormwater runoff is treated before being discharged. Although the County cannot model incorporated areas, in certain areas, County roads lie within incorporated boundaries. In these areas the County will model the basins where these roads lie, using the best available data that can be found. Because of the lack of data in these areas, the modeling for these County roads will be limited. County engineers will ask Northeast Dade staff if they have any data that would help in modeling these areas. Cooperation between the proposed city and the County to share this data is critical. The data and models created have other uses besides the County's master plan, such as new Flood Insurance Rate Maps (FIRM), that benefit the proposed incorporation area as well as County residents.

National Pollutant Discharge Elimination System (NPDES):

NPDES is a nationwide permit program that has an objective of controlling pollution that is inherent in stormwater runoff. NPDES started as a federal program, and has now been delegated to the State of Florida. Cities must apply to and receive from the state a permit that outlines best management programs designed to reduce the pollution in stormwater

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runoff. These stormwater management programs can consist of sampling programs, educational programs, street sweeping and drainage maintenance, and various other best management programs.

In Miami-Dade County's NPDES permit, a joint permit was created with 24 municipalities and Miami-Dade as the lead agency. Because sampling of stormwater runoff is required, the County performs the sampling, and all the parties to the permit cost-share the costs.

The County recommends that the proposed municipality join this joint permitting program. An Interlocal Agreement would be needed to cost-share the sampling activities with the County. The outfalls contained within the incorporated area would determine the proposed incorporation cost-share percentage contribution. There is also a permit fee the area would be required to pay yearly to the state for the NPDES permit. The population of the proposed municipality decides the amount of this permit fee.

Transfer of Roads:

Certain County roads located within the proposed incorporation area may need to be transferred to the newly incorporated municipality. This can be done with an Interlocal Agreement between the municipality and the County's Public Works Department. This Agreement usually outlines the subject roads, various road-related services, and the costs and responsibilities of the area and County for these services. Because County Stormwater Utility funds are used to maintain drainage systems within residential local roadways, when transferring those roads the Agreement must be clear that until such time as the municipality opts out of the SWU, the County will continue to provide services to the drainage systems within these roadways.

Enforcement Activities:

During the last five years the DERM Compliance Section investigated 214 complaints in the proposed area of incorporation, which are classified as follows:

Total number of all Complaints in the selected area: 214

- 1----Total number of Sanitary Nuisances: 60 (28%)
- 2----Total number of Tree Complaints: 49 (23%)
- 3----Total number of Spill (fuel, oil, chemicals, etc.) incidents: 23 (11%)
- 4----Total number of Dewatering/Turbidity Complaints: 15 (7%)
- 5----Total number of Air nuisances: 10 (5%)

These top five complaint types represent 73% of all complaints entered for the last five years.

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Other less common complaints (approximately 15 different classifications) make up the remaining 57 (27% of total).

Hazardous and Solid Waste Comments:

The following is a list of contaminated sites within the proposed area of incorporation:

Permit	Permit #	Name	Folio
HWR	493.000000	PRESIDENTIAL COUNTRY CLUB	3022050601800
IW5	5996.000000	PICASSO CLEANERS	3022030200040
UT	238.000000	RODEZ SERVICE, INC.	3022040090010
UT	3485.000000	CONCREFORM	3022030260010
UT	457.000000	PRECISION CHEVRON INC.	3022030200050
UT	1235.000000	PRECISION TEXACO	3022040090820
UT	464.000000	SKYLAKE STANDARD	3022050170080
UT	1740.000000	FOOD SPOT #22, INC.	3022030200770
UT	1769.000000	METROPOLITAN PETROLEUM CO.	3022030100010
UT	1803.000000	T & S AUTO CENTER	3012340150270
UT	2788.000000	WALKER GRAPHICS INC	3022030000090
UT	2804.000000	PATTERSON	3022030000180

Forest Resources:

There is a Natural Forest Community (NFC) that exists within the Incorporation area occurring within Greynolds Park. Natural Forest Communities contain diverse and rare plant communities, including listed endangered or threatened species which occur nowhere else in the world. Trees, shrubs and other vegetation in NFC's is protected and only limited impacts may be permitted in accordance with specific standards, including required on-site preservation, defined in Sec. 24-49.2 of the Code of Miami-Dade County. Furthermore, Sec. 24-49.3 provides that the Department of Environmental Resources Management shall review and comment on zoning, plat, and other development plans and that if it is determined that they are not in accordance with the standards of Sec. 24-49.2, then they shall receive a recommendation of denial from the Department. These requirements apply countywide, in both municipalities and unincorporated areas. Designated NFC's may only be removed from the list by the BCC.

Section 24-60 of the Code requires the preservation of tree resources. DERM will retain tree preservation jurisdiction unless the proposed municipality of Northeast Dade has enacted or enacts an ordinance that would provide equal or greater preservation provisions than those afforded by the above noted Code Section to the existing tree resources in the proposed incorporation area.

Freshwater Wetlands:

Based on file reviews, site inspections, and aerial reviews, DERM staff has determined that several properties within the proposed area of incorporation do contain jurisdictional freshwater wetlands as defined in Section 24-5 of the Code of Miami-Dade County. Therefore, a Miami-Dade Class IV Wetland Permit will be required before any work can be done in freshwater wetlands.

Permits from the Army Corps of Engineers (305-526-7181), the Florida Department of Environmental Protection (561-681-6600) and the South Florida Water Management District (1-800-432-2045) may also be required for the proposed project. It is the applicant's responsibility to contact these agencies.

Coastal Wetlands:

The proposed incorporation area abuts tidal portions of the Oleta River, and includes tidally connected Sparkling Lake, finger canals north of Sparkling Lake up to NE 203 Street, the northern boundary of the proposed incorporation. Vessel access is somewhat limited within these areas due to a low fixed bridge at Biscayne Boulevard. However, this water body is tidally connected and occasional sightings of the endangered West Indian Manatee have been reported. The Oleta River, and its tidal tributaries, including tidally connected artificial waterways, is designated as essential manatee habitat in the Miami-Dade County Manatee Protection Plan. The Miami-Dade County Manatee Protection Plan was developed under mandate by the State of Florida and is adopted by reference in Chapter 24, Environmental Protection Ordinance. The Miami-Dade County Manatee Protection Plan contains recommendations for existing and proposed docking facilities, both residential and commercial.

Additionally, any work in, on, or over tidal waters or coastal wetlands will require a Class I Coastal Construction permit from Miami-Dade County. Section 24-48.3 provides specific criteria that limit dredging and filling in tidal waters or wetlands requiring a Class I permit. Filling to create land for residential, office, or non-water dependent uses is generally not consistent with these criteria. Section 24-49 prohibits construction or placement of non-water dependent floating or fixed structures in, on, or over tidal waters. Applications for work in, on, over or upon tidal waters or wetlands anywhere in Miami-Dade County shall require avoidance and minimization of adverse resource impacts.

Marine Facilities within 10 or greater slips or facilities with at least one commercial vessel are required to obtain and maintain a Marine Facilities Annual Operating Permit from the Coastal Resources Section of DERM.

Additionally, permits from the Army Corps of Engineers (561-472-3506), the Florida Department of Environmental Protection (561-681-6600), and the South Florida Water Management District (1-800-432-2045) may be required for work on these lands. It is the applicant's responsibility to contact these agencies.

Building Department

Should the Northeast Dade area incorporate and establish its own Building Department, the impact to the Miami-Dade County Building Department collection of revenue would be minimal, with no impact to the Department's ability to efficiently and effectively provide services to the remaining Unincorporated areas. On the other hand, should the Northeast Dade area choose to contract with this Department for the permitting services, the Department would continue to provide said services under the same conditions established for the transition period, with no adverse effect to our operations or service levels.

Team Metro

The code enforcement responsibilities of Team Metro will be transferred to the new municipality. The impact on the Team Metro Northeast area translates into the work of one code compliance officer and half of a service representative position. This represents an annual cost of \$94,300.00. Team Metro would be interested in discussing subcontracted code enforcement services within its area of expertise to the new municipality.

Park and Recreation

The incorporation would result in the conveyance of two (2) county-owned local parks, Highland Oaks Park and Ojus Park. The conveyance would not impact the recreation services to adjacent unincorporated area residents as the terms of the conveyance would require the new municipality to abide by Article 6 of the County Charter and would prohibit discrimination against unincorporated area residents in access, program registration or pricing. The fiscal year 2003-2004 net annual cost of operating the parks was \$245,087. Should the proposed municipality desire to contract for Park and Recreation Services, the Park and Recreation Department could work to develop a mutually agreeable framework for service delivery.

Greynolds Park is partly within the boundaries of the proposed municipality but is a Metropolitan Park and would not be conveyed. However, the boundary of the proposed new municipality would divide the park into two jurisdictions - North Miami Beach on the southwest and the new municipality in the remainder of the park. The Recreation Open Space Element of the Comprehensive Development Master Plan, Objective 1, Policy 1D, ii, states:

"The County shall not allow proposed municipal boundaries to create multiple jurisdictions within any one areawide park."

The intent of this policy is to maintain regulatory control of Greynolds Park as a "Facility of Countywide Significance".

Solid Waste

Current Service Levels

The County currently provides twice-weekly garbage collection, weekly trash and recycling service, two scheduled bulky waste pick-ups per year and unlimited access to Trash & Recycling Centers to its waste fee-paying residential unit customers in the waste collection service area, including those in the proposed area of incorporation. In addition, the DSWM conducts an UMSA-funded litter collection program consisting of corridor pick-up service and quick response "hotspot" litter pick-up.

Proposed Incorporation Impact

In accordance with Ordinance No. 96-30, the above-described residential solid waste collection service would continue to be provided by the DSWM in the same manner as it is currently provided, except for litter program service. Accordingly, there would be no impact on the Department's ability to provide waste collection service either to the adjacent or remaining unincorporated service area effectively and efficiently. The UMSA-funded litter collection program, however, would be eliminated in the proposed area of incorporation.

While there are no departmental facilities within the proposed boundaries of this potential incorporation, there are a number of facilities in the general vicinity, which provide services to residents both within and adjacent to these proposed boundaries. They function as a part of a greater network of facilities serving the entire community and may therefore be considered to be of system-wide significance. These facilities include two trash and recycling centers, one transfer station and one landfill site. The former two are the Norwood Trash and Recycling Center (19901 NW 7th Avenue) and the Golden Glades Trash and Recycling Center (140 NW 160th Street). The latter two are the Northeast Transfer Station (18701 NE 6th Avenue) and the North Miami-Dade Landfill (21500 NW 47th Avenue).

Water and Sewer

The proposed incorporation area is within the water and sewer service areas of Miami-Dade Water and Sewer Department (WASD) (except for a portion of Section 4-52-42, which is served by the City of North Miami Beach) and service is being provided to other portions of the area. Future water and sewer service customers within the incorporated area would receive service from WASD. WASD would own, operate and maintain any future facilities, whether constructed by the City or by private developers. Adequacy and capacity of the County's water and sewer systems are dependent upon the type and timing of the

developments or redevelopment proposed to occur within the City. The incorporation would have no impact on WASD's ability to provide services to the remaining unincorporated area in the vicinity.

Currently, WASD billings include excise taxes based on water billings and those collections are remitted to Miami-Dade County. Upon incorporation and proper notice, WASD would remit those collections to the new city. In addition, WASD billings currently include stormwater charges as directed by DERM and those collections are remitted to DERM. Upon incorporation, proper notice and execution of an agreement between the County and the proposed city in which the city agrees to establish a stormwater utility and to pay administrative billing charges, stormwater fees could continue to be collected by WASD based on the city's charges.

The County's regional Pump Station No. C-1 is located within the area at 2451 N.E. 203rd Street and is a facility of countywide significance. Therefore, the property should remain in unincorporated Miami-Dade County.

Transit

Miami-Dade Transit is regional and provides services to municipalities as well as unincorporated areas.

10. Potential Revenue Sources and Facilities to be made available to the proposed municipality upon incorporation.

All the eligible municipal revenues will be available to the Northeast Dade incorporation area. Police services will also be made available. The parks will be conveyed by Miami-Dade County in as-is condition to the proposed municipality of Northeast Dade. The parks will be transferred to the newly incorporated city contingent upon UMSA residents being able to continue to use the parks without being required to pay fees for services above those charged to municipal residents.

11. Financial impacts of the incorporation on the remaining unincorporated areas of Miami-Dade County. Does the proposed incorporation fall between \$20,000 and \$48,000 per capita taxable value?

The Northeast Dade Incorporation Area per capita taxable value does not fall between \$20,000 and \$48,000. The per capita taxable value is \$49,378. It is anticipated that if the Northeast Dade Area incorporates, the UMSA area will experience an estimated net loss to their budget in the amount of \$1,101,852.

12. Any other factor that arises by virtue of any special or unique circumstances of a given area.

The existence of a facility of countywide significance within the boundaries of the proposed incorporation area is a factor that arises as a unique set of circumstances. Facilities of countywide significance are those that are necessary for the coordinated current and future use of lands and development and service delivery throughout the County. The services provided by these resources are needed by the greater community. Therefore jurisdiction over these facilities will be retained by Miami-Dade County. In the proposed incorporation area the following facilities of countywide significance exist:

<u>DEPARTMENT/FACILITY</u>	<u>LOCATION</u>
MIAMI-DADE WATER AND SEWER DEPARTMENT Regional Pump Station 0423	2451 NE 203 Street
MIAMI-DADE PARKS AND RECREATION DEPT. Greynolds Park	17530 West Dixie Highway

13. Will the area, if currently qualified, continue to be eligible for any benefits derived from inclusion in federal or state enterprise zones, or targeted area assistance provided by federal, state and local government agencies?

It is not anticipated that the incorporation will change the eligibility of the Northeast Dade area to avail itself of existing government funded programs, however, the new municipality will be responsible for pursuing such funding independent of the County.

14. Will creation of a new municipality impact public safety response times?

The proposed area of incorporation must contract local police services for a minimum of three years. By contracting police services the proposed area of incorporation shall receive a dedicated patrol staff. Depending upon the staffing levels, the police response times may be reduced, but will not be greater than MDPD goals.

The new municipality will also remain in the Fire District. The proposed incorporation is not expected to negatively impact response times to the area.

15. Will creation of a new municipality introduce barriers to municipal traffic circulation due to existing security taxing districts, walled communities, and/or private roads?

It is not anticipated that incorporation of the Northeast Dade area will introduce any new barriers to municipal traffic flow.

16. If the area has been identified by the federal government as a flood zone or by emergency planners as an evacuation zone, has the proposed municipality indicated its preparedness to address any extraordinary means that may arise?

Approximately seventy percent of the Northeast MAC area is located within the 100-year storm flood plain. Of the balance area, approximately thirty percent of it is located within the 500-year storm flood plain. Federal agencies regulate activities within the 100-year floodplain. Additionally, the Northeast MAC area is not located in a County designated evacuation zone.

17. Will municipal government offices and commercial centers be connected by public transportation?

The location of government offices will be determined by the elected municipal officials, however, the area is served by seven (7) Metrobus routes.

18. To the degree possible, would the proposed incorporation area be contained in one or more school district boundaries governing admission to elementary, middle and high school as the adjoining municipality?

Yes, the area is contained within the same school district boundaries as the adjoining area. The schools are Virginia Boone/Highland Oaks Elementary, Ojus Elementary, Greynolds Park Elementary, John F. Kennedy Middle, Highland Oaks Middle, North Miami Beach Senior and Michael Krop Senior.

Summary of Issues for Consideration

Secession of the Northeast MAC area would result in an unincorporated enclave completely surrounded by the Northeast MAC area, Broward County, and the municipal boundaries of the Cities of Miami Gardens and North Miami Beach. However, in terms of boundaries two main issues need to be highlighted; first recognizing that the I-95 Expressway corridor presents a significant and logical boundary to the West, and secondly that the proposed incorporation area resolves irregularities to the South by establishing boundaries coterminous with the existing North Miami Beach City limits. The enclave boundary that would result could be expected to have minimal impact, and should not cause confusion to the service

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providers or general public. Therefore the above referenced enclave is suggested to remain in UMSA until it can be addressed with logical and accessible boundaries with the surrounding municipalities.

BOUNDARIES COMMISSION

On March 23, 2005 the Boundaries Commission held a public hearing on the proposed incorporation of the Northeast Dade area. The Board members recommended approval of the proposed incorporation (6 votes to 1) and to include demographic information for the enclave area which borders the area on its western boundary.

ADDITIONAL INFORMATION

On November 5, 2003 the BCC adopted an amendment to the Land Use Plan Map for an area located in the Northeast Dade area. The area is located 100 feet east of NE 26 Avenue to West Dixie Highway and lying north of Theoretical NE 197 Street. The amendment that occurred was from Low-Medium Density Residential to Business and Office. See attachment G.

Attachment A – Northeast Dade MAC Proforma Budget
Attachment B – Conceptual Agreement
Attachment C – Northeast Dade MAC Resolution
Attachment D – Northeast Dade MAC Map
Attachment E – Boundaries Commission Resolution
Attachment F – Boundaries Commission Request for Enclave Area Demographics
(area shown in Northeast Dade MAC Map)
Attachment G – Small – Scale Amendment Application No. 1

cc: Joseph Ruiz, Assistant County Manager
Jennifer Glazer-Moon, Director, OSBM

ATTACHMENT A

Northeast Municipal Advisory Committee
Draft Budget

	County Revised Draft Budget		MAC Revised 4/7 Budget(North Dade)
Population estimate	16,736		16,736
Ad Valorem (Property) Taxes (808,921,684 @2.447- 95% collection)	\$ 1,921,000	1	\$ 1,921,000
Franchise Fees			
Electric			-
Gas			-
Towing			-
Subtotal Franchise fees	529,000	2	502,550
Utility Taxes			
Electric			-
Gas			-
Water			-
Subtotal Utility taxes	1,046,000	3	993,700
Communications Service Tax	842,000	4	842,000
Occupational license tax	54,000	5	54,000
Building permit fees		6	331,165
Intergovernmental revenue:			
Alcoholic Beverage licenses	4,000	7	4,000
State Revenue Sharing		8	395,000
Local Gov't Half cent sales Tax	832,000	8	948,000
Subtotal Intergovernmental revenue	836,000		1,347,000
Local option gas tax		9	303,000
New local option gas tax			-
Charges for Services		10	122,000
Fines and Forfeitures	88,000	11	88,000
Other Revenue:			
Bus bench permit fees		12	10,300
Interest earnings	28,000	13	28,000
Other revenue	14,000	13	14,000
	42,000		52,300
Total Revenue	\$ 5,358,000		\$ 6,556,715
Expenditures			
General Fund			
Council/ Manager		14	\$ 293,248
Attorney		15	200,000
Clerk		16	208,759
Finance Department		17	113,145
Police Department	2,349,218	18	3,234,348
Police Department- Specialized police costs	864,486	18	469,837
Building & Planning	331,165	6	331,165
QNIP(Debt and pay as you go)	135,980	13	135,980
Public Works	68,750	13	68,750
Parks & Recreation	278,460	19	306,450
General Government (includes Rent, Insurance, and communication related costs i.e. telephone)			200,000
Policy formulation/ internal support	267,069		
School Crossing Guards			35,935
Contingency (5% of ad valorem rounded)			100,000
Total Expenditures	4,295,128		5,697,616
Excess of revenue over expenditures	1,062,872		859,099
Mitigation cost (1 Mill)			785,078
Net excess of revenue over expenditures	1,062,872		74,021

ATTACHMENT B

NORTHEAST MUNICIPAL ADVISORY COMMITTEE REPORT

The following offers a conceptual incorporation agreement for the proposed municipal government of the northeast area that addresses area residents' desire for local government and ensures that the remainder of the unincorporated area is not unduly harmed by this action. While many items remain to be worked out in terms of specific implementation measures, this conceptual agreement outlines a framework under which the northeast area can proceed with its incorporation process.

Background

The Northeast Municipal Advisory Committee, a group of northeast area residents appointed by the Board of County Commissioners, was created under the sponsorship of Commissioner Heyman to review the concerns raised by both members of the County Commission and County staff and the manner in which those concerns may be alleviated in the event that the northeast area is incorporated as a municipality. The group met for (19) months with local officials, private government consultants and County staff from various departments.

The following is a conceptual agreement proposed by the Northeast Municipal Advisory Committee.

CONCEPTUAL AGREEMENT

Whereas, the boundaries of the proposed municipality of the northeast area (hereafter referred to as "proposed municipality ") are as follows:

Westernmost. Interstate 95

Easternmost. Dixie Highway/Biscayne Blvd.

Southernmost. City of North Miami Beach Limits

Northernmost. NE 215 Street

Whereas, the Northeast Municipal Advisory Committee acknowledges that certain municipal-type services are essential to the health and welfare of its community and the County as a whole,

Whereas, the members of the Committee acknowledge that the proposed municipality will benefit in many ways from the continued unincorporated municipal service area programs, services and activities, and other County administrative and support systems as detailed below,

Whereas, the northeast area has certain unmet needs that can be addressed by the incorporation of the area into a new municipality,

Now, therefore, the members of the Committee agree to the following:

Section 1. – County Services

Pursuant to the Code for Miami-Dade County, Chapter 20, Section 20-26, and Chapter 15, Section 15-21.1, the proposed municipality of the northeast area will remain a part of the Miami-Dade Fire Rescue District, the Miami-Dade Library System, and the Miami-Dade Solid Waste Collection system in perpetuity.

The proposed municipality may contract by inter-local agreement with the Department of Solid Waste Management for additional services and, if so desired, the local government may negotiate additional collection schedules and frequency for the proposed municipality. The private trash collection currently in place in the residential and commercial areas of the northeast area will continue. The County's Solid Waste Department will provide services to all new residential customers and continue serving existing customers.

The proposed municipal government of the northeast area will also contract by inter-local agreement with the Miami-Dade Police Department for an initial three-year period for a specific level of patrol staffing no less than the level of service currently provided. Payment amounts and other pertinent items relating to the provision of local patrol services shall be set forth in a contract (inter-local Agreement) between the northeast area and Miami-Dade County. Such contract shall also provide that "the initial three-year period" shall commence upon the execution of the Local Patrol Contract by all parties. At the end of the three (3) year period, the northeast area may elect not to renew the Local Patrol Contract at which point a transition period of no less than twelve (12) months will begin.

The proposed municipality of the northeast area shall pay from its municipal funds, for specialized law enforcement services to be exclusively provided by the Miami-Dade Police Department in perpetuity. Payment amounts and other pertinent terms relating to the provision of specialized police services shall be set forth in a contract between the northeast area and Miami-Dade County. These specialized police services include, but are not limited to, tactical central investigations, such as narcotics, criminal intelligence, economic crimes, homicide, robbery, sexual crimes, domestic violence, crime scene investigations and property and evidence. Specialized law enforcement services do not include police activities of a countywide nature such as warrants, crime lab, public corruption unit, communications, jail, court services, and all Sheriff's services as defined by state law. For as long as Miami-Dade County continues to fund specialized police services from the countywide budget, taxpayers in the northeast area shall receive a credit equivalent to any payment made through the countywide millage.

Whereas, the incorporation of the proposed municipality of the northeast area will have an adverse financial impact on the remainder of the unincorporated municipal service area (UMSA),

Now therefore, the members of the Northeast Municipal Advisory Committee agree that the City shall contribute the equivalent of one mill of municipal property tax revenues after municipal incorporation to the County into a Municipal Service Trust Fund (MSTF). The amount to be paid into the MSTF will be set at a dollar value during the first year of operation of the new municipality. This dollar value will be the equivalent of one mill of property tax revenue based on the preliminary tax roll for the new municipality for that year. That amount (which is approximately \$ 785,000.00 for the 2003-2004 fiscal year) will be adjusted annually based on the Consumer Price Index for the Miami area.

The Northeast Municipal Advisory Committee members understand and agree that the County shall convey local parks within the boundaries of the proposed municipality in as-is condition. The parks that shall be conveyed by Miami-Dade County in as-is condition to the proposed municipality of the northeast area are Highland Oaks Park and Ojus Park. Additional terms and conditions regarding the proposed municipality's responsibilities to operate, develop and maintain the conveyed parks will be set forth in an inter-local agreement between Miami-Dade County and the proposed municipality of the northeast area at the time the parks are transferred to the new municipality.

The Northeast Municipal Advisory Committee members understand and agree that the County shall convey local roads within the boundaries of the proposed municipality in as-is condition. Additional terms and conditions regarding the proposed municipality's responsibilities to maintain the conveyed roads will be set forth in an inter-local agreement between Miami-Dade County and the proposed municipality of the northeast area at the time the roads are transferred to the new municipality.

The proposed municipality of the northeast area will receive all municipal revenues to which it is entitled, such as, utility taxes. Additionally, the municipality will receive revenues (excluding countywide revenues) that the County by right may otherwise retain, such as franchise fees, provided, however, the municipality will continue to be responsible for its pro rata share of the debt service for the QNIP bond indebtedness and all other bond indebtedness issued in reliance upon municipal revenues from the unincorporated area prior to incorporation, until the bonds are retired or the City pre-pays its portion of the debt service. The municipality will continue to receive all services that are provided to cities under the countywide budget.

The proposed municipality of the northeast area will be granted all rights, powers and privileges afforded to all municipalities and provided under general laws of the State of Florida subject only to the restrictions placed upon it by this

agreement which will be indicated under a separate charter article entitled "Special Conditions".

- In recognition of the fact that the development of a new municipality requires considerable effort and a period of transition during which The northeast area can benefit from a strong mentoring relationship with the current service providers and administration, and in recognition of the fact that both The northeast area and the County desire to have an ongoing, cooperative relationship, the County will provide municipal assistance to the proposed municipality of the northeast area as established in interlocal agreements between the city and the County.

Section 2 - Continuing Obligation as to County Bonds

The County issued Public Service Tax Revenue Bonds, Series 1999 and Series 2002 prior to the City's incorporation, which are currently outstanding in the respective principal amounts of \$71,295,000 and \$55,275,000 (collectively the "PST Bonds"). The PST Bonds are payable from Public Service Taxes (defined below) collected in the unincorporated area and in the municipalities incorporated within the County since July 2, 1996. The County receives Public Service Taxes pursuant to Section 166.231, Florida Statutes, and as of October 1, 2001, from a communications service tax assessed pursuant to Chapter 202, Florida Statutes and Section 29 of the County Code (collectively, "Public Service Taxes"). Within 30 days of the adoption of the municipal charter, the new city agrees to enact an ordinance, pursuant to Section 166.231, Florida Statutes, authorizing the levy of the public service tax at a rate no less the rate established by the County for electrical water and gas services prior to the incorporation of the city. The new city further agrees immediately following its incorporation to enact an ordinance, pursuant to Section 202.19, Florida Statutes, authorizing the levy of the communication services tax at a rate no less than the rate established by the County for communications services prior to the incorporation of the City.

The proposed city agrees that, until the PST Bonds have been paid or provision made for their payment pursuant to Article X of Ordinance No. 96-108, enacted by the Board on the July 2, 1996 authorizing the issuance of the PST Bonds, the County shall have the right to receive and apply to debt service on the PST Bonds all of the Public Service Taxes collected in the unincorporated area and within the boundaries of the proposed city. The proposed city's debt service obligation as to the PST Bonds in each fiscal year or portion thereof following incorporation shall be its pro rata share of such debt service obligation. The proposed city's pro rata share of the debt service obligation accruing on the PST Bonds during each fiscal year while the PST Bonds are outstanding will be equal to that percentage of the total debt service accruing on the PST Bonds in such fiscal year calculated by multiplying such total debt service by a fraction the numerator of which will be the total amount of Public Service Taxes collected within the boundaries of the unincorporated area comprising the boundaries of

the proposed city during the fiscal year prior to the incorporation of the proposed city and the denominator of which will be the total amount of Public Service Taxes collected in the entire unincorporated area of the County and the municipalities incorporated within the County since July 2, 1996 during the fiscal year prior to the incorporation of the proposed city.

Following the County's reservation of the proposed city's pro rata share of PST Bonds debt service to accrue during any fiscal year, the balance of the Public Service Taxes collected within the boundaries of the proposed city shall be remitted to the proposed city.

The County has issued Stormwater Utility Revenue Bond Series 1999 (the "Stormwater Bonds") of which \$38,805,000 remains outstanding, payable from the stormwater utility fees collected in the unincorporated area and within the exempted cities (defined below). The County assesses and collects the stormwater utility fee pursuant to Sections 24-61 through 24-61.5 of the County Code, and Section 403.0893, Florida Statutes (the "Stormwater Utility Fees").

The proposed city agrees that until the Stormwater Bonds have been paid or provision made for their payment pursuant to Article IX or Ordinance No. 98-187, enacted by the Board on December 15, 1998 authorizing the issuance of the Stormwater Bonds, the County shall have the right to receive and apply to debt service on the Stormwater Bonds all of the Stormwater Utility Fees collected in the unincorporated area, within the boundaries of the proposed city and within the five cities exempted from County Ordinance No. 91-66, as amended (the "Exempted Cities"). The City's debt service obligation as to the Stormwater Bonds in each fiscal year of portion thereof following incorporation shall be its pro rata share of such debt service obligation. The proposed city's pro rata share of the debt service obligation accruing on the Stormwater Bonds during each fiscal year while the Stormwater Bonds are outstanding will be equal to that percentage of the total debt service accruing on the Stormwater Bonds in such fiscal year calculated by multiplying such total debt service by a fraction of the numerator of which will be the total amount of Stormwater Utility Fees collected within the boundaries of the unincorporated area comprising the boundaries of the unincorporated proposed city during the fiscal year prior to the incorporation of the proposed city and the denominator of which will be the total amount of Stormwater Utility Fees collected in the entire unincorporated area of the County, within the Exempted Cities and within the municipalities incorporated in the County since July 2, 1996 during the fiscal year prior to the incorporation of the City.

Following the County's reservation of the proposed city's pro rata share of Stormwater Utility Bonds debt service to accrue during any fiscal year, the balance of the Stormwater Utility Fees collected within the boundaries of the proposed city shall be remitted to the proposed city.

Section 3. - Regulatory Control

The local government comprehensive plan adopted by the municipality pursuant to Chapter 163, Part II, Florida Statutes, shall be consistent with the adopted Miami-Dade County Comprehensive Development Master Plan (the CDMP) as it may be amended from time to time, as applied to the sites listed below:

DEPARTMENT/FACILITY	LOCATION
Miami-Dade County Water and Sewer Dept. Regional Pump Station 0423	2451 NE 203 St.

The list of facilities may be revised by the BCC from time to time.

Any use or activity allowed by the CDMP may not be limited or impeded in any way by the local government comprehensive plan adopted by the proposed municipality of the northeast area. Additionally, the proposed municipality of the northeast area shall pass no ordinance or regulation that would limit or impede the operation of the aforementioned County facilities. Jurisdiction over the listed sites for purposes of zoning and building approvals (including but not limited to site plan approvals, issuance of building permits, building inspections, compliance with the Florida Building Code or other applicable building code, issuance of certificates of occupancy, zoning applications, special exceptions, variances, building and/or zoning moratoria, and all other types of functions typically performed by Building and/or Planning and Zoning Departments) water and sewer installations, compliance with environmental regulations, and utility regulation shall be and is hereby vested in Miami-Dade County regardless of any city code, or ordinance provision to the contrary.

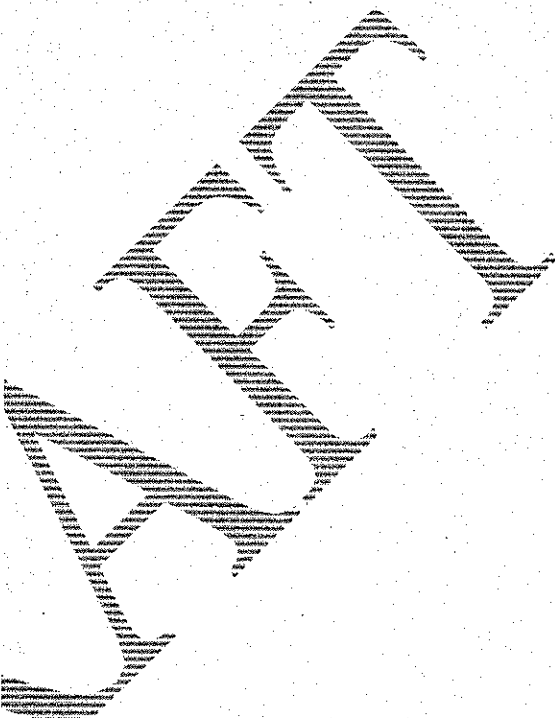
This provision shall not alter or affect the legal rights of the northeast area. The proposed municipality of the northeast area shall not institute, intervene or otherwise participate in, in opposition to Miami-Dade County in any judicial or formal administrative proceeding regarding land use or development of the listed sites, or Miami-Dade County's planning or regulatory requirements for any of these facilities of countywide significance. This section shall not apply to a particular site listed above if there has been an official determination by the Board of County Commissioners of Miami-Dade County that a site will no longer be used by Miami-Dade County.

Section 4. - Favored Nation Status

If a subsequent incorporation is approved without the newly incorporated area being required to remain in the Miami-Dade Fire Rescue District, Miami-Dade Library System, Miami-Dade Solid Waste collection service area, or without contracting with the Miami-Dade Police Department for local patrol and

specialized police services, the proposed municipality of the northeast area will not be required to receive that particular service from the County.

The provisions of this section, apply only to the service or services modified, and in no way alter the agreement regarding the remaining services.



ATTACHMENT C

**RESOLUTION APPROVING THE
NORTHEAST DADE AREA
MUNICIPAL ADVISORY COMMITTEE REPORT**

WHEREAS, the Northeast Dade Area Municipal Advisory Committee (the Committee) was established on April 8, 2003, by the Board of County Commissioners pursuant to Resolution No. 341-03, and extended by Ordinance No. 04-104,

WHEREAS, the Committee was charged with addressing the incorporation concerns of both the members of the Board of County Commissioners and County staff, and

WHEREAS, the Committee has met with County staff and negotiated mutually agreeable conditions for the incorporation of the Northeast Dade Area, and

WHEREAS, the Committee has conducted two duly advertised public hearings on November 17, 2004 and December 1, 2004 to discuss with the Northeast Dade area residents the proposed conditions to incorporate the Northeast Dade area, and

NOW, THEREFORE BE IT RESOLVED BY THE MEMBERS OF THE NORTHEAST DADE AREA MUNICIPAL ADVISORY COMMITTEE THAT:

Section 1. The Committee adopts by this resolution the terms and conditions outlined in the *Northeast Dade Area Municipal Advisory Committee Report*, a copy of which is attached and incorporated herein by reference.

Section 2. The Northeast Dade Area Municipal Advisory Committee requests that the Board of County Commissioners approve a resolution calling for an election in the Northeast Dade area based on the terms proposed in the attached report which is hereby submitted to the Board of County Commissioners.

Section 3. The Committee wants to express its appreciation to County staff for the time and effort during these negotiations.

The foregoing resolution was offered by Stanley Price, who moved its adoption. The motion was seconded by William Koppel and upon being put to a vote, the vote was as follows:

Stanley B. Price	<u>yes</u>
Glenn H. Gopman	<u>yes</u>
Japp Donath	<u>yes</u>
William C. Koppel	<u>yes</u>
Roslyn B. Weisblum	<u>yes</u>
Jill B. Perez	<u>yes</u>
Kenneth H. Friedman	<u>yes</u>
Richard A. Golden	<u>no</u>

The Chairperson thereupon declared the resolution duly passed and adopted this 15th day of December 2004.

Kenneth H. Friedman
Kenneth H. Friedman

Chairperson

Northeast Dade Area Municipal Advisory Committee

ATTACHMENT D

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ATTACHMENT E

RESOLUTION OF THE MIAMI-DADE COUNTY BOUNDARIES COMMISSION
ACCEPTING STAFF'S REPORT REGARDING THE PROPOSED INCORPORATION
OF THE NORTHEAST DADE AREA AND FORWARDING THE ITEM TO THE
PLANNING ADVISORY BOARD (PAB).

WHEREAS, the Board Of County Commissioners approved Resolution No. 341-03, and Ordinance No. 04-104 appointing the Northeast Dade Municipal Advisory Committee to study the feasibility and desirability of incorporating the Northeast Dade area; and,

WHEREAS, the Northeast Dade Municipal Advisory Committee provided a recommendation; and,

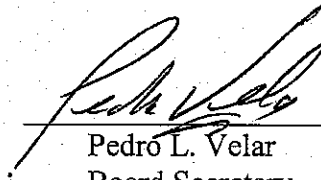
WHEREAS, on March 23, 2005 the Boundaries Commission held an advertised public meeting; and,

NOW, THEREFORE BE IT RESOLVED that the Miami-Dade County Boundaries Commission made its recommendation to approve the proposed incorporation of the Northeast Dade area and to include demographic information for the enclave area which borders the area on its western boundary.

The foregoing resolution was offered by Edward McCue who moved its adoption. Luis DeRosa seconded the motion and upon being put to a vote it passed 6 votes to 1.

Carlos Batista - yes
Edward McCue - yes
Ian Martinez - no
Manuel Huerta - yes

Dr. Shirley West - yes
Manuel Alvarez - absent
Luis DeRosa - yes
Norman Powell - yes


Pedro L. Velar
Board Secretary

ATTACHMENT F

**Social and Economic Characteristics
Enclave Area and Miami-Dade County**

	Enclave	
	Area	Miami-Dade
<u>Population Characteristics, 2000</u>	22,927	2,253,362
Percent White, Not Hispanic	28.8	20.7
Percent Black, Not Hispanic	41.6	19.0
Percent Other, Not Hispanic	7.8	3.0
Percent Hispanic Origin	21.8	57.3
<u>Income</u>		
Median Household Income	\$34,451	\$35,966
Per-capita Income	\$17,823	\$18,497
<u>Housing</u>		
Percent Owner Occupied	67.9	57.8
Percent Single Unit detached	25.1	42.7

Source: U.S. Census Bureau, Census 2000 Summary File 1 and Summary File 3. Miami-Dade County, Department of Planning and Zoning, 2005.

ATTACHMENT G

APRIL 2003 CYCLE
SMALL-SCALE AMENDMENT APPLICATION NO. 1
ADOPTED BY BOARD OF COUNTY COMMISSIONERS
November 5, 2003

Applicant

Applicant A
LIMOCH 19680 West Dixie, LLC
A Florida limited liability company
19495 Biscayne Boulevard, Suite 410
Aventura, Florida 33180

Applicant's Representative

Michael J. Snyder, Esq.
Michael J. Snyder & Associates, PA
4000 Hollywood Boulevard, Suite 455-S
Hollywood, Florida 33021
(305) 937-4445
(305) 937-0102 fax

Applicant B
LIMOCH 19770 West Dixie, LLC
A Florida limited liability company
19495 Biscayne Boulevard, Suite 410
Aventura, Florida 33180

Requested Amendment to the Land Use Plan Map

From: LOW-MEDIUM DENSITY RESIDENTIAL (5 to 13 DU/AC.)

To: BUSINESS AND OFFICE

Location: Begin 100 feet east of NE 26 Avenue to West Dixie Highway and lying north of Theoretical NE 197 Street.

Acreage: Application area: 1.888 Acres Adopted Acreage: 6.24 Acres.
Acreage Owned by Applicant: 1.888 Acres

Adopted: ADOPTED with the changes as staff recommended, and with a 115-foot setback from NE 26 Avenue.

November 5, 2003, Ordinance 03-244

Adopt with the changes as staff recommended, and with a 115-foot setback from NE 26 Avenue

